IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7650 of 2024

Arising Out of PS. Case No.-346 Year-2023 Thana- CHAKIA District- East Champaran

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NEERAJ KUMAR S/o Durga Ray R/o Village-Bhagwanpur Mahmada, P.S.-Baruraj, District-Muzaffarpur.

... ... Petitioner

Versus

The State of Bihar

... ... Opposite Party

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Appearance :

For the Petitioner : Mr Yogesh Chandra Verma, Senior Advocate
Ms/Mrs. Dimpal Kumari, A.P.P.

For the Opposite Party : Mr.Tarun Prasad Mandal, A.P.P.
Mr. SK Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL ORDER

11 23-01-2025 Heard learned counsel for the petitioner, the State and the informant.

2. Petitioner apprehends arrest in a case registered for the offence punishable under sections 420, 409, 120B of the Indian Penal Code and sections 66 and 66D of the IT Act.

3. As per the prosecution case, on 17.12.2021, BPCL launched a Loyalty program for its valued Fleet, Corporate and individual customers under BPCL Loyalty Application (web as well as mobile app). This is a closed loop wallet (Prepaid Payment Instrument) for transporters as well as for individual customers. It has been stated that customers can register into the said program by providing their credentials online. On successful registration, a Fleet account is created with wallet in BPCL Loyalty Application. Customers can recharge their wallet

for any amount through designated payment gateway interface modes like Net-banking, UPI, Credit card/ Debit card. The BPCL loyalty application is integrated with Razorpay payment gateway and Pinelabs payment gateway for convenient recharge by customers. It is also stated in the complaint that customers login into their account in BPCL loyalty application using their credentials for transferring money from their bank account/UPI/credit or debit card to Razorpay payment gateway. Razorpay transfers corresponding amount to BPCL bank account. Once the loyalty account of a customer is recharged, the customer can utilize the amount in his wallet for purchasing fuel throughout the country at any retail outlet of BPCL. All purchase transactions are made through OTP/PIN authentication process by the customer. The transactions do not involve any authentication or approval from any officer/staff of BPCL.

4. It is alleged that on 31.03.2023, information was given to BPCL by the Risk Assessment Team of Razorpay about possibility of suspicious recharge flow of certain Smart Fleet customer accounts without any corresponding debit from the bank accounts of the customers and without any corresponding credit into the bank account of BPCL. Upon such information, officials of BPCL extracted the data from the system and

analyzed the same. It was discovered that various recharges in 1093 customer wallets amounting to a sum total of 129.55 crores had been made throughout the country without receipt of corresponding amount in BPCL's bank account. The present petitioner is one of these 1093 customers. The OP No. 2 then immediately blocked all those 1093 customers' Loyalty accounts and recovered the available balances in their wallets.

5. It is also pertinent to mention that a complaint dated 06.04.2023 was lodged by BPCL with the Economic Offence Wing, Mumbai regarding this racket. After follow up and persuasion, most of these customers refunded such recharge amount not already credited to BPCL's account but despite our repeated requests the petitioner did not refund the excess recharge amount wrongly credited in his Smart fleet account. Through his illegal actions, the petitioner defrauded BPCL to the tune of ₹ 1,34,66,314/-. BPCL from time to time recovered the amount lying in the petitioner's Fleet card account and as on date, the total amount of wrongful loss caused to BPCL by the petitioner stands at 1,21,65,577/-.

6. Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Learned counsel submits that some is

playing fraud from back of the petitioner. As a matter of fact, someone is mastermind in this occurrence and petitioner is said to be only one of the beneficiaries for some commission. Moreover, as per the complaint, occurrence started from 1.4.2022 to 31.3.2023 but when the matter busted, informant, in order to save his skin, lodged this case. Petitioner claims clean antecedent.

7. Learned counsel for the State and the informant/ complainant oppose the prayer for bail. Learned counsel for informant submits that as per the information available to BPCL, petitioner was involved in running a CSP of a bank and a cyber cafe. He is well versed with computers and Information technology and taking advantage of his knowledge, he carefully studied the Loyalty Program of BPCL and experimented in ways to cheat BPCL. There is a clear pattern in the transactions done by the petitioner whereby he tested the system by making many recharges of 1/- rupee late at night and after being sure about non- deduction of the amount from his bank account, he then proceeded to recharge his wallet account with large amounts for committing fraud upon the public sector Company. This entire fraudulent process was carefully carried out by the petitioner over a period of more than 5 months. From perusal of the

transaction charts of the petitioner annexed as part of the FIR it is evident that the petitioner knowingly and willingly committed fraud and cheated the OP No.2. A copy of Transaction Chart is being annexed as Annexure OP/2-1 to counter affidavit. It is further alleged that the petitioner knowingly and willingly experimented, perfected fraud and cheated the OP No. 2 which is a public sector company. The petitioner deliberately avoided to refund the money even after being requested several times by the OP No. 2 which shows his dishonest intention.

8. Considering the nature and gravity of allegation and the magnitude of fraudulent transaction alleged to be committed by the petitioner, prayer for bail of the petitioner is rejected.

(Prabhat Kumar Singh, J)

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